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September 25, 2013

VIA E-MAIL & ECF FILING

Honorable Katherine B. Forrest
 United States District Court
 Southern District of New York
 ForrestNYSDChambers@nysd.uscourts.gov

Re: *Nimely v. RXR 620 Owner II LLC et al.*
Case No.: 13 Civ. 2069 (KBF)(GWG)

USDC SDNY
 DOCUMENT
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 DOC #: _____
 DATE FILED: SEP 26 2013

Dear Judge Forrest:

I serve as counsel to Defendant Bed Bath & Beyond Inc. ("Defendant") in connection with the above-referenced public accommodation litigation, and I write on behalf of both the Defendant and the Plaintiff, Thomas Nimely, to respectfully request an adjournment of the status conference currently scheduled before Your Honor on October 2, 2013, and the discovery deadline of October 18, 2013.

To date, the parties have exchanged in good faith a series of detailed proposals, diagrams of the entire store from scratch, and have had the opportunity for expert comment in order to facilitate settlement. Considering that the parties are in agreement as to what physical alterations should be made to resolve this dispute, and are just now focusing on drafting the settlement documents, we believe that settlement of this litigation will be achieved in the near future.

Accordingly, the parties respectfully request a 30-day adjournment of the status conference and discovery deadline in order to finalize their agreement without incurring discovery costs. Plaintiff's counsel, Mr. Parker, has consented to such an adjournment and no previous requests for an adjournment have been made.

Thank you Your Honor for your courtesies in this matter.

Ordered

Conference adjourned to 10/1/13
 at 1:30 pm. Discovery deadline
 extended to 10/18/13. (Do not

Respectfully submitted,

Andrew W. Singer

cc: Glen H. Parker, Esq. (by e-mail)
 Attorney for Plaintiff

expect or count on further extensions)

Katherine B. Forrest

nsdt

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9/26/13